

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIVIAN BURNS,

Plaintiff,

Case No. C20-1555RSM

V.

INTERNATIONAL BUSINESS MACHINES CORPORATION,

**ORDER DENYING MOTION TO
APPOINT COUNSEL**

Defendant.

This matter comes before the Court on the Motion to Appoint Counsel filed by Plaintiff Vivian Burns. Dkt. #6. Defendant has appeared and filed an Answer. Dkt. #11.

In civil cases, the appointment of counsel to a *pro se* litigant “is a privilege and not a right.” *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation omitted). “Appointment of counsel should be allowed only in exceptional cases.” *Id.* (citing *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together “both the likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). In “exceptional circumstances,” a district court may appoint counsel for indigent

1 civil litigants. 28 U.S.C. § 1915(e)(1); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997),
2 *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998).

3 Ms. Burns sets forth her efforts to retain an attorney but has failed to set forth exceptional
4 circumstances warranting the appointment of counsel in this case. She has demonstrated
5 sufficient ability to articulate her claims. Given all of the above, this Motion will be denied.
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7 Having considered Plaintiff's Motion and the remainder of the record, this Motion is
8 DENIED. The Clerk shall send a copy of this Order to Plaintiff at 10605 SE 240TH ST #344
9 KENT, WA 98031.

10 DATED this 21st day of December, 2020.
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14 RICARDO S. MARTINEZ
15 CHIEF UNITED STATES DISTRICT JUDGE
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